

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
At Greenbelt

In Re:	:	
	:	
ERNEST E. WATKINS	:	Case No. 18-20114-LSS
	:	(Chapter 7)
Debtor	:	

APPLICATION BY CHAPTER 7 TRUSTEE TO EMPLOY  
SPECIAL COUNSEL TO NEGOTIATE SHORT SALE OF PROPERTY

Gary A. Rosen, the Chapter 7 Trustee herein, submits this Application by Chapter 7 Trustee to Employ Special Counsel to Negotiate Short Sale of Property, and as reasons therefor states as follows:

1. On July 31, 2018, Ernest E. Watkins (hereinafter the “Debtor”) filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code.
2. Gary A. Rosen is the duly appointed Chapter 7 Trustee in this proceeding.
3. Among the assets of the estate is the real property located at 1816 Meridian Drive, Hagerstown, MD 21742.
4. To liquidate the asset for the benefit of the creditors, it is necessary to sell the real property.
5. Upon acceptance of a contract for sale of the above-mentioned property, Michelle J. Adams and the firm of Adam, Morris & Sessing as counsel (“Special Counsel”) for the estate will negotiate the sale of the property with the lender and act as liaison between all parties during the transaction and through settlement.
6. Special Counsel shall receive a flat fee for services not to exceed 3% of the

purchase price of the property, with a minimum fee of \$4,500.00 (as detailed in the attached Legal Services Engagement Agreement) in this matter and customary according to industry standards. Payment of such flat fee shall be contingent on lender(s) approval and Special Counsel's procurement of a reasonable carve out for the benefit of the estate. The fee shall be based on what is negotiated on the HUD-1 with the lender(s). Such fee shall be paid from the proceeds otherwise payable to the lender(s) from the sale of the property on which lender(s) have a mortgage.

7. The Trustee is informed and believes, and therefore alleges, that the approval of this Application is in the best interest of this estate and accordingly, that the Court should approve the employment of Special Counsel as provided in 11 U.S.C. §327(a). From the Declaration made by Michelle J. Adams, Esquire of Adams, Morris & Sessing as Special Counsel in connection with their employment as Special Counsel, the trustee is informed and believes that Special Counsel is a disinterested party within the meaning of 11 U.S.C. §101(14) and accordingly that it is appropriate to employ Special Counsel under the provisions of 11 U.S.C. §327(a).

8. Special Counsel is aware of the provision of 11 U.S.C. §328 and has agreed notwithstanding the terms and conditions of employment set forth that the Court may allow compensation different from the compensation provided herein if such terms and conditions prove to have been improvident in light of any development unable to be anticipated at the time of fixing of such terms and conditions.

WHEREFORE, the premises considered, it is prayed that this Honorable Court enter an Order allowing the retention of the law firm of Adams, Morris & Sessing as Special Counsel to represent the Trustee, to negotiate the sale of the property with the lender, act as liaison between all parties during the transaction, and allowing such other and further relief as is just and proper.

GARY A. ROSEN, CHARTERED

By /s/ Gary A. Rosen  
Gary A. Rosen, Esquire  
One Church Street  
Suite 800  
Rockville, MD 20850  
301-251-0202  
[trusteerosen@gmail.com](mailto:trusteerosen@gmail.com)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11<sup>th</sup> day of July, 2019, a copy of the foregoing was served electronically via CM/ECF to those recipients authorized to receive a Notice of Electronic Filing by the Court per the attached Electronic Mail Notice List; and to the U.S. Trustee, 6305 Ivy Lane, Suite 600, Greenbelt, MD 20770.

/s/ Gary A. Rosen  
Gary A. Rosen

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ERNEST E. WATKINS	:	Case No. 18-20114-LSS
	:	(Chapter 7)
Debtor	:	

DECLARATION OF MICHELLE J. ADAMS

MICHELLE J. ADAMS, being duly sworn, deposes and says:

1. I am an attorney at law, duly admitted to practice in the State of Maryland.
2. I am a member of the law firm of Adams, Morris & Sessing (“AMS”), 12850 Middlebrook Road Germantown, MD 20874. I am familiar with the matters set forth herein and make this Declaration in support of the Application to Employ Michelle J. Adams and AMS as Special Counsel to the Trustee.
3. To the best of my knowledge, AMS represents no entity in connection with this case, is a disinterested person as that term is defined in Section 101(14) of the Bankruptcy Code, and represents or holds no interest adverse to the Trustee, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee.
4. AMS has performed a conflicts check and is not aware of any conflicts of interest arising from its representation of the Trustee in this case.
5. No agreement exists, nor will any be made, to share compensation received by AMS for its services with any other person or firm.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

ADAMS, MORRIS AND SESSING

By: /s/ Michelle J. Adams  
Michelle J. Adams